

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JERRY SUE LEO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 05-0288-P-B
	)	
JO ANNE B. BARNHART, Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	

ORDER ADOPTING THE REPORT AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated January 18, 2006 (doc.18), is hereby ADOPTED as the opinion of this court.

Accordingly, it is ORDERED that the Report and Recommendation of the Magistrate Judge (doc.18), be and is hereby ADOPTED as the opinion of this court; that defendant's Motion and Memorandum For Entry of Judgment Pursuant to Sentence Four of 42 U.S.C. § 405(g) With Remand of Cause to the Defendant (doc.16), be and is hereby GRANTED; and that this action be and is hereby REMANDED to the Social Security Administration, pursuant to sentence four of 42 U.S.C. § 405(g), see Melkonyan v. Sullivan, 501 U.S. 89 (1991), for further administrative proceedings consistent with this opinion (see doc.18, p.1).

This Remand pursuant to sentence four of § 405(g), makes plaintiff a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, see Shalala v. Schaefer, 509 U.S. 292

(1993), and terminates this court's jurisdiction over the matter.

DONE the 13<sup>th</sup> day of February, 2006.

S/Virgil Pittman  
SENIOR UNITED STATES DISTRICT JUDGE